

REMARKS

This response is intended as a complete response to the Office Action dated October 4, 2010. In view of the following discussion, the Applicant believes that all claims are in allowable form.

RESTRICTION ELECTION

The Applicant elects with traverse the invention of Group I, claims 21-23, 25, 26 and 50. The Applicant makes this election with traverse because the Examiner has not demonstrated that a serious search and examination burden would be imposed if restriction were not required.

Independent claim 37 recites limitations similar to that of independent claims 21 and 50. Specifically, all three of the independent claims similarly recite a receiver tube that is removably connectable to a hearing aid and removably connectable to a receiver of the hearing aid...and an ear wax trap comprising a microporous membrane, wherein the ear wax trap is disposed within the receiver tube. In addition, independent claims 37 and 50 similarly recite a hearing aid comprising a receiver having an opening. Further, claim 46 of Group II, which depends from independent claim 37, recites – similar to claims 21 and 50 of Group I – a plurality of lugs radially extending from an end of the receiver tube; and a locking rib disposed about the opening of the receiver and configured to allow the receiver tube to be connected to or removed from the receiver when in a first position, and locking the receiver tube to the receiver when the receiver tube is rotated to a second position relative to the receiver. Accordingly, if the Examiner searches for the elements of the apparatus as recited in independent claim 37 and 46, the search will inevitably result in search hits of the apparatus as recited in independent claims 21 and 50. As such, the Applicant submits that the apparatus claims of Group II could be examined along with the apparatus claims of Group I without imposing a serious burden on the Examiner. Therefore, the Applicant submits that the restriction between the apparatus claims of Groups I and II in this case should be withdrawn.

In addition, the Applicant has added new claims 51 and 52 have been added to the application. The Applicant submits that new claims 51-52 add no new matter. New claim 51 depends from claim 50 and new claim 52 depends from claim 21, both in Group I. The Applicant submits that new claims 51-52 also correspond to Group I. Accordingly, the Applicant elects claims 21-23 25, 26, and 50-52 for further prosecution. The Applicant reserves the right to file divisional and/or continuing patent applications to pursue the non-elected subject matter.

Accordingly, both further consideration of this application and its swift passage to issue are earnestly solicited. If, however, the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone Alan Taboada at (732) 935-7100 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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